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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,437	02/10/2004	Yong Cheol Park	0465-1141P	1710

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EXAMINER

PATEL, GAUTAM

ART UNIT PAPER NUMBER

2627

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,437

Applicant(s)

PARK, YONG CHEOL

Examiner

Gautam R. Patel

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 41-50 are pending for the examination. Claims 41-50 are newly presented.

RCE STATUS

2. The request filed on 6/5/06 for Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 41-50 are rejected under 35 U.S.C. § 102(b) as being anticipated by AAPA
“Applicant’s Admitted Prior Art” (hereafter AAPA).

As to claim 41, AAPA discloses the invention as claimed [see Figs. 1-5] including formatting the optical recording medium, and resetting a location information, comprising the steps of:

(a) formatting the optical recording medium in response to the formatting request at least to use the second spare area as a user data area after formatting; and,

(b) resetting a location information of the second spare area to indicate a changed size of the second spare area after formatting, wherein the second spare area has a variable size [fig. 4 (b)] and a start position of the second spare area is varied [fig. 4 (b) area marked “extension” extension?], depending upon the variance of the size of the second spare area, while an end position of the second spare area is fixed and is located close to a lead-out area [fig. 4 (b) bottom part of SSA] of the recording medium [Specification paragraphs 3-19].

4. The aforementioned claim 42, recites the following steps, inter alia, disclosed in AAPA:

(c) determining if the second spare area has been assigned prior to said formatting step (a) and said resetting step (b), wherein said steps (a) and (b) are performed if the second spare area has been assigned [Specification paragraphs 3-19].

5. The aforementioned claim 43, recites the following steps, inter alia, disclosed in AAPA:

(a1) registering sectors judged to have defects into a new PDL (primary defect list), if the optical recording medium is to be formatted with certification [Specification paragraphs 3-19].

6. The aforementioned claim 44, recites the following steps, inter alia, disclosed in AAPA:

(a2) disposing an old SDL existed prior to said formatting step (a), if the optical recording medium is to be formatted with certification [Specification paragraphs 3-19].

7. The aforementioned claim 45, recites the following steps, inter alia, disclosed in AAPA:

(a1) registering all sectors previously judged in an old SDL (secondary defect list) into a new PDL (primary defect list) if the optical recording medium is to be formatted without certification [Specification paragraphs 3-19].

8. The aforementioned claim 46, recites the following steps, inter alia, disclosed in AAPA:

(c) storing the location information of the second spare area in the defect management area of the optical recording medium [Specification paragraphs 3-19].

9. The aforementioned claim 47, recites the following steps, inter alia, disclosed in AAPA:

the location information of the second spare area includes the start position of the second spare area on the optical recording medium [Specification paragraphs 3-19].

10. The aforementioned claim 48, recites the following steps, inter alia, disclosed in AAPA:

(b1) resetting the start position [fig. 4(b), area marked "extention"] of the location information [Specification paragraphs 3-19].

Art Unit: 2627

11. The aforementioned claim 49, recites the following steps, inter alia, disclosed in AAPA:

(a) checking if a command for formatting of the optical recording medium is received;
and

(b) changing the second spare area to a user area to be written, if the command is received, while resetting the second information to indicate a changed size of the second spare area after formatting, wherein the second information includes start and end addresses of the second spare area, and the end address is fixed and is located close to a lead-out area [fig. 4 (b) bottom part of SSA] of the recording medium, while the start address is varied, upon the variance of the size of the second spare area [Specification paragraphs 3-19].

12. The aforementioned claim 50, recites the following steps, inter alia, disclosed in AAPA:

a first spare area and a second spare area for replacing a defective area with an available replacement area; and

a defect management area including a defect management information for managing a defective area, the defect management information including a first information to indicate the defective area found at least after formatting, the first information further including a second information to indicate a location of the second spare area,

wherein the second spare area can be changed to a usable user area when formatting, while the second information is reset to indicate a changed size of the second spare area after formatting, and wherein the second spare area has a variable size and a start position [fig. 4(b), area marked "extention"] of the second spare area is varied, depending upon the variance of the size of the second spare area, while an end position of the second spare area is fixed and is located close to a lead-out area [fig. 4 (b) bottom part of SSA] of the recording medium [Specification paragraphs 3-19].

Contact information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dwayne Bost, who can be reached on (571) 272-7023.

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.



Gautam R. Patel
Primary Examiner
Group Art Unit 2627

July 17, 2006